

EXHIBIT “A”

2:44



Mario >

Thu, Feb 28, 2:50 PM

I was picking up a check for Cami. Know you are busy. Just wanted to ask you to serve that bizup subpoena. Thanks!! Danielle said it's ready.

Okay no worries

Thanks buddy

Jess is staying here?

Yea. Leaving tonight. Had get her a bed in mental health facility. She going to Lehigh valley late afternoon

Why here though?

It was only vacant over weekend she got released fri from other place. They charged her 249/night on weekend



iMessage



2:44



Mario >

Thanks!! Danielle said it's ready.

Okay no worries

Thanks buddy

Jess is staying here?

Yea. Leaving tonight. Had get her a bed in mental health facility. She going to Lehigh valley late afternoon

Why here though?

It was only vacant over weekend she got released fri from other place. They charged her 249/night on weekend

I won't allow her around cami till she deals with bipolar. U have no idea stress I'm under.

Delivered



iMessage



2:42



2 People >

iMessage

Thu, Feb 28, 5:39 PM

(570) 242-6741



Check your personal or county email for an employment status notice.

Fri, Mar 1, 11:39 AM

(570) 242-6741



Michael- your employment with the County is terminated. You have until 3:00 pm to return county property. You can return the property by coming to the detective center side door and someone will come out to retrieve it. If you fail to comply by 3:00pm today you may be subject to civil and or criminal liability.



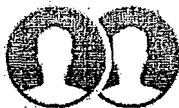
There is an arrest and detain warrant for Jessica Butts. You are to bring her immediately to the detective center.



iMessage



2:42



2 People >

return county property. You can return the property by coming to the detective center side door and someone will come out to retrieve it. If you fail to comply by 3:00pm today you may be subject to civil and or criminal liability.



There is an arrest and detain warrant for Jessica Butts. You are to bring her immediately to the detective center.



I am not in town. I do not know where she is. She was supposed to go to Lehigh valley hospital for mental evaluation.

I am in Philadelphia

Fri, Mar 1, 2:35 PM

+1 (570) 242-6741



FaceTime
Call Ended



iMessage



2:45



Brian >

Ok. That's odd

I sent it.

Thanks

Do you want to find out how they want me to return equipment? I'm not walking into office carrying a rifle.

I shut off their phone as instructed so can you work as intermediary. Their stuff will not appear on personal devices.

Sure. I'll track down Eric and see what he says.

Give me a sec.

Thanks appreciate it.

Eric and Michael have said to contact Eric to make arrangements.



Text Message



2:40



2 People >

iMessage

Fri, Mar 1, 2:48 PM

+1 (570) 977-2872

Mike please contact Eric or me on my cell - it's very important this is resolved now.



Not sure who this is my contacts all gone but I advised Eric I am in Philadelphia so someone can come to my house sat 7 am or mon 7 am to obtain equipment

+1 (570) 977-2872

That's not acceptable Mike we need the equipment the federal authorities advise that your continued possession of the M4 is a federal offense which they may proceed with forthwith - so no delays - where is the gun and other equipment. MMancuso



Ok, I'll let him know this



iMessage



2:40



2 People >

Ok when I get home this evening you can send some to retrieve

Your car is on parking deck. Other stuff is in state car. They are retrieving car on Monday

I can let you know when I am back in town. I obviously needed to meet with counsel. You could have set up meeting obtained equipment then terminated. I did not create this situation and have no intent to withhold any equipment

+1 (570) 977-2872



As per attorney McComb you are to contact Eric to make the arrangements for giving the property to him.

I spoke to my attorney I advised when I get home I will



iMessage



2:41



2 People >

I spoke to my attorney I advised when I get home I will call and someone can come and retrieve

+1 (570) 977-2872

Ok what is your ETA? Have everything packed and ready so Eric can easily transport- also send me a list of the items ahead of time



Absolutely I'll have ready. I'll meet at bottom of my driveway. I don't want any slips & falls on my property. It will be on video as my house is fully covered by an atd system

Will I get receipts??

+1 (570) 977-2872



Yes what time?

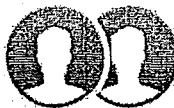
Sorry I'm guessing 8. But I'll notify as soon as I get back



iMessage



2:41



2 People >

Sorry I'm guessing 8. But I'll notify as soon as I get back and get stuff around. I would assume a similar urgency in return of my personal property

+1 (570) 977-2872



Ok text when your in

Ok

Fri, Mar 1, 8:06 PM

+1 (570) 977-2872



Mike will you be ready soon?

Almost

+1 (570) 977-2872

Ok



I'll tell Eric head out

My truck is end of driveway. When he arrives will unlock tailgate. I'd & phone with surface bag. Gun bag is open



iMessage



2:41



2 People >

+1 (570) 977-2872



Mike will you be ready soon?

Almost

+1 (570) 977-2872

Ok



I'll tell Eric head out

My truck is end of driveway.
When he arrives will unlock
tailgate. I'd & phone with
surface bag. Gun bag is open
with both guns breach open
so be careful not to drop.

I am again requesting stay off
of property and receipt
placed in back. This is my
private cell Eric not to use it.

My personal property are
monitors keyboard charging
devices everything on top of
desk organizer sissies stapler.
Books training certificates
etc. in car body armor



iMessage



2:41



2 People >

My truck is end of driveway.
When he arrives will unlock
tailgate. I'd & phone with
surface bag. Gun bag is open
with both guns breach open
so be careful not to drop.

I am again requesting stay off
of property and receipt
placed in back. This is my
private cell Eric not to use it.

My personal property are
monitors keyboard charging
devices everything on top of
desk organizer sissies stapler.
Books training certificates
etc. in car body armor.
Portable radio charger and
AirPods in glass holder.
Please return my property
ASAP and contact attorney to
arrange delivery and any
other issues.

+1 (570) 977-2872



iMessage



2:41



2 People >

+1 (570) 977-2872



Ok I copied your text to Eric

Thank you

+1 (570) 977-2872



No problem

Is what it is Mike. There is a time and place to handle this as you know I've hired a very good attorney we'll handle in court.

I'm going to bed soon

Someone is knocking on my door. I do not want anyone on my property my goddaughter is crying.

+1 (570) 977-2872



Your credentials need to be given



Also keys to county car



iMessage



2:41



2 People >

They are in surface bag

+1 (570) 977-2872



Badge also?

Keys I forgot.

Yes. I advised that in text you forwarded to Eric

Not even sure where keys are off hand I apologize I will locate and get them to you

+1 (570) 977-2872

Still need badge



Also are you getting the keys tonight?

It's in surface front pouch

I'm in my underwear in bed.

+1 (570) 977-2872



What about second badge?

I do not have a second badge.



iMessage



2:42



2 People >

I do not have a second badge.
It's only badge that was given
to me

I even complained when I got
an old badge and Tom got a
new one.

+1 (570) 977-2872

Ok but still need keys
because they are good for all
the vehicles in fleet



Yes I will get them to you.

+1 (570) 977-2872

They need them now Mike



I'm in bed. I do not know
where they are at moment.

+1 (570) 977-2872

Well I appreciate that but this
is a security issue and needs
to be taken care of now



Ok. My god daughter is in my



iMessage



2:42



2 People >

Ok. My god daughter is in my arms crying from whomever shining their flashlights in my windows and activating red & blue lights. On video from house. I am getting out of bed and looking for them.

+1 (570) 977-2872



Ok first thing Monday then

I have them. Where do you want them. Mike I asked no one use my personal number and no one come on my property

Sat, Mar 2, 9:39 AM

+1 (570) 977-2872



We need the password for the phone.

Sat, Mar 2, 12:02 PM

+1 (570) 977-2872



That would be helpful

Sat, Mar 2, 4:52 PM



iMessage



EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL KREISCHER

Plaintiff,

v.

E. DAVID CHRISTINE, JR.,
MICHAEL MANCUSO,
WENDY B. SERFASS,
MARIO ORLANDO and
ERIC KERCHNER,

Defendants.

:
: CIVIL ACTION NO. 21-cv-00221
:
:
:
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ORDER

AND NOW, this day of , upon consideration of
Plaintiff's Motion to Compel Discovery and any response thereto, it is hereby
ORDERED that:

(1) the motion is GRANTED and defendants shall serve a written response
to plaintiff's Request for Production of Documents and all responsive documents
within 10 days of this order; and

(2) pursuant to Fed. R. Civ. P. 37 (a)(5), defendants shall pay plaintiff the
reasonable amount of attorney's fees incurred in making this motion.

BY THE COURT:

U. S. M. J.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL KREISCHER	:	
	:	CIVIL ACTION NO. 21-cv-00221
Plaintiff,	:	
	:	
v.	:	
	:	
E. DAVID CHRISTINE, JR.,	:	
MICHAEL MANCUSO,	:	
WENDY B. SERFASS,	:	
MARIO ORLANDO and	:	
ERIC KERCHNER,	:	
	:	
Defendants.	:	

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Plaintiff, Michael Kreischer, moves the Court pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and Local Rule LR 26.3 for an order compelling defendants to produce requested discovery.

In support of his motion, plaintiff states the following:

1. This is an action brought by Michael Kreischer ("Kreischer"), a former Monroe County detective, under 42 U.S.C. §1983 and state law, relating to his termination and subsequent defamation by defendants. Kreischer alleged in his complaint that he was fired, without notice, after complaining about wrongdoing within the County Detectives Office and, after his termination, defendants defamed

him by falsely claiming that he was terminated for helping a fugitive evade arrest and for other wrongful and illegal conduct.

2. To obtain discovery necessary for his claims, Kreischer served a document request on June 24, 2021, requesting, among other things, the defendants' personnel files, emails relating to Kreischer's termination and the dissemination of false and misleading information about him both internally and to third parties. A copy of the document request is attached as Exhibit "A."

3. Defendants have not served a response to the document request.

4. Rather, defendants produced a few documents from Kreischer's personnel file and a handful of other documents.

5. Defense counsel stated that he did not believe that defendants had possession of the emails that were requested.

6. Plaintiff has requested, repeatedly, that defendants serve a response to Kreischer's document request, but it has not been forthcoming.

7. On October 13, 2021, the parties had a "meet and confer" to discuss defendants' delinquent production and defense counsel stated that a response would be served, and counsel would check to see what other documents could be produced.

8. That did not occur.

9. The failure of defendants to serve a response or responsive documents obviously hampers plaintiff's ability to prepare his case for trial, and impedes further discovery in the matter, including the taking of depositions.

10. Plaintiff's counsel hereby certifies, pursuant to M.D. Pa. Local Rule 26.3, that he has made several good faith efforts to obtain the requested discovery but has been unsuccessful and requires the Court's assistance in the form of an order compelling discovery.

11. Fed. R. Civ. P. 37(a)(3)(B)(iv) specifically authorizes the Court to compel discovery, where, as here, a party has failed to produce discovery or a response. In addition, Rule 37(a)(5) states that "the court must, after giving an opportunity to be heard require the party or deponent who conduct necessitated the motion ...to pay the movant's reasonable expenses... and attorney's fees."

12. For all of these reasons, Plaintiff submits that entry of an order compelling discovery and the award of attorney's fees are necessary.

WHEREFORE, plaintiff requests that his motion be granted.

Respectfully submitted,

ZARWIN, BAUM, DeVITO,
KAPLAN, SCHAER & TODDY,
P.C.

/s/ David F. McComb

David F. McComb

dfmccomb@zarwin.com

Zachary A. Silverstein

zsilverstein@zarwin.com

One Commerce Square

2000 Market Street, 16th Floor

Philadelphia, PA 19103

(215) 569-2800

Attorneys for Plaintiff

DATED: November 2, 2021

CERTIFICATE OF SERVICE

I, David F. McComb, hereby certify that I served a copy of the foregoing Motion by making it available to all registered users of the Court's ECF system, including the following:

Gerard J. Geiger, Esq.
712 Monroe Street
Stroudsburg, PA 18360-0511

/s/ David F. McComb
DAVID F. McCOMB

DATED: November2,2021

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL KREISCHER

Plaintiff,

V.

E. DAVID CHRISTINE, JR.,
MICHAEL MANCUSO,
WENDY B. SERFASS,
MARIO ORLANDO and
ERIC KERCHNER,

Defendants.

CIVIL ACTION NO. 21-cv-00221

PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff hereby requests that Defendants respond under oath to the following Requests for Production of Documents within thirty (30) days of service hereof and make such documents available for inspection and copying at the offices of Plaintiff's counsel, at 2005 Market Street, 16th Floor, Philadelphia, Pa 19103.

INSTRUCTIONS

1. Please bates-stamp all documents produced, and utilize a method to properly and efficiently relate responsive documents to specific requests herein.
2. If any document is withheld under a claim of privilege or other protection, please produce a privilege log and provide all the following information with respect to any such document(s), so as to aid the Court and the Parties hereto in determining the validity of the claim of privilege or other protection:
 - a. The identity of the person(s) who prepared the document and who signed the document, and over whose name it was sent or issued;

- b. The identity of the person(s) to whom the document was directed;
- c. The nature and substance of the document, with sufficient particularity to enable the Court and the parties thereto to identify the document;
- d. The date of the document;
- e. The identity of the person(s) who has (have) custody of, or control over, the document and each copy thereof;
- f. The identity of each person to whom a copy of the document was furnished
- g. The number of pages of the document;
- h. The basis on which any privilege or other protection is claimed; and
- i. Whether any non-privileged or non-protected matter is included in the document.

3. In the event any additional discoverable documents or other relevant materials come to Defendants' attention after the date on which it answers the instant request, Defendants are reminded of their duty to supplement their response to this request if they learn that in some material respect their response or the information disclosed therein is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to Plaintiff during the discovery process or in writing.

DEFINITIONS

The following definitions and instructions are incorporated by reference whenever applicable in this document.

- 1. The terms "you," "your," or "Defendants," as used herein, shall mean the Defendants named in the caption of this action, their servants, agents, employees, representatives, divisions, managers, accountants, and attorneys, and anyone else acting on their behalf.
- 2. The term "person," or "persons," as used herein, shall include any natural person,

partnership, firm, corporation, trust, association, joint venture, public entity, business organization, or other legal entity.

3. The term "Plaintiff" as used herein, shall mean the Plaintiff listed in the caption of the instant action.

4. The term "document," or "documents," as used herein, shall mean the original, or a copy of any kind, of any written, typewritten, printed, electronic or recorded material whatsoever, whether maintained on paper hard copies or on an electronic or other storage medium. The term includes, but is not limited to, files, records, reports, logs, notes, journals, memoranda, letters, facsimiles (including cover sheets and transmission confirmation sheets therefore), diaries, calendars, articles, telegrams or other correspondence, voice mail (whether transcribed or not), electronic mail (whether printed out or not, and including electronic mail stored or maintained off Defendants' premises, such as with an internet service or e-mail provider), worksheets, recordings, studies, analyses, opinions, books, reports, transcriptions of recordings, lists, information retrievable from computers or media designed for use thereon, pictures, drawings, diagrams, schematics, maps, photographs (whether stored digitally or on hard copies) or other graphic representations, and any other physical means of communication, including audio or video tape recordings, Digital Audio Tape recordings, digital recordings, recordings preserved on recordable compact disc and magnetic tape, computer discs, or computer tape. The term specifically includes any drafts, whether or not used, of the foregoing, and any altered or annotated copies of the foregoing. It also includes any copies of originals, or duplicate documents, with notes, markings, or interlineations varying to any degree whatsoever from other existing copies. Such documents are deemed to be separate documents and are to be produced along with non-interlineated copies. In the case of all recordings or information not stored in

hard copy form, the originals shall be maintained for review in all cases.

5. The term "Complaint," as used herein, shall mean the Complaint on file in this action or any Amended Complaint.

6. The term "personnel file," as used herein, shall include any and all records maintained either in the normal course of business or for any special purpose with respect to the application, course of employment, and termination of any employee of any named Defendants, and specifically includes applications, disciplinary notices, performance evaluations, employment histories or summaries, records of residential addresses and telephone numbers, termination notices, job assignment or classification records, compensation and other similar records. For purposes of this request, the term "personnel record" need not include records of medical benefits, condition, or claims; designations of, or changes in, beneficiary; garnishments; income tax records; or insurance benefits, except as pertaining to the records of the Plaintiff (in which case such records are to be included).

Please produce the following:

REQUEST FOR PRODUCTION OF DOCUMENTS

DOCUMENT REQUEST NO. 1:

Produce any and all documents which support, evidence, relate, or otherwise pertain to any and all personnel policies or procedures of Defendants in effect in the last five (5) years, including but not limited to

- a) Internal complaint or grievance procedures, including complaints of wrongdoing by other employees;
- b) Any employee handbook or policy guides in place during Plaintiff's employment;
- c) Any and all policies that in way bear on or illustrate defendants' expectations as to employee performance; and
- d) Any and all policies regarding the duties and the appointment of County detectives.

DOCUMENT REQUEST NO. 2:

Produce all communications between or among the following, including text messages and email messages, that refer to Plaintiff in the “Re:” line or text:

- a. E. David Christine, Jr.,
- b. Michael Mancuso,
- c. Wendy B. Serfass,
- d. Mario Orlando,
- e. Eric Kerchner,
- f. Brian Webbe, and
- g. Kim Lippincott.

DOCUMENT REQUEST NO. 3:

Produce documents relating or referring to any evaluation or review of Plaintiff’s job performance, including any warnings, write-ups, disciplinary action and awards and commendations.

DOCUMENT REQUEST NO. 4:

Produce documents relating or referring to the allegations that Plaintiff: (1) had sexual or other improper relations with an informant; (2) helped a witness/informant evade arrest; and (3) attempted to defraud anyone.

DOCUMENT REQUEST NO. 5:

Produce documents relating or referring to any disclosure internally or externally of the three items set out in Request No. 4 and identify each and every individual to whom such disclosure was made and/or participated or was consulted in the decision to terminate Plaintiff’s employment.

DOCUMENT REQUEST NO. 6:

Produce the personnel files for Plaintiff and the named Defendants.

DOCUMENT REQUEST NO. 7:

Produce documents referring or relating to the decision to terminate Plaintiff's employment and identify each and every individual advised of such decision in advance of the termination.

DOCUMENT REQUEST NO. 8:

Produce all documents that defendants relied upon, in whole or in part, to terminate plaintiff's employment.

DOCUMENT REQUEST NO. 9:

Produce any and all documents relating or referring to any review or investigation of allegations of plaintiff's alleged misconduct including, but not limited to:

- a) Written statements, memorializations, certifications or affidavits of witnesses, third parties, employees or former employees;
- b) Notes of interviews with witnesses, employees, former employees or third parties by any County employee, supervisor or agent of defendants;
- c) Audio recordings of any investigative hearing, witnesses, employees, former employees or third parties by any HR employee, supervisor or agent of defendants;
- d) Transcriptions of any investigative hearing or audio recordings of any and all oral statements and/or interviews of witnesses, employees, former employees or third parties by any HR employee, supervisor or agency of defendants;
- e) Reports regarding the results of any and all review(s) or investigation(s) of plaintiff by anyone; and
- f) Correspondence via e-mail, mail, or otherwise within defendants or between defendants and a third party or former employee about or concerning Plaintiff.

DOCUMENT REQUEST NO. 10:

Produce any and all documents relating or referring to Plaintiff's efforts to obtain employment after his termination, including but not limited to any communications among defendants or their staff regarding inquiries about Plaintiff from law enforcement agencies and any responses provided by defendants and their staff to law enforcement agencies about Plaintiff.

DOCUMENT REQUEST NO. 11

Provide any and all documents relating or referring to any investigation into Plaintiff's complaints about disappearance of cigarettes from the Evidence Room and alleged irregularities about handling of gang-related information.

DOCUMENT REQUEST NO. 12:

Produce every note, e-mail, memo or other document that refers or relates, references, illustrates or evidences any concern or complaint ever expressed verbally or in writing by Plaintiff to any employee or former employee of defendants.

DOCUMENT REQUEST NO. 12:

Produce all documents relating to Plaintiff's eligibility for and participation in his LOFT ("Local Officer Full Time, Attorney General Office") assignment with the County.

DOCUMENT REQUEST NO. 13

Produce all documents submitted by Defendants and/or Monroe County to the Pennsylvania Department of Labor regarding Plaintiff's unemployment compensation filing.

DOCUMENT REQUEST NO. 14

Produce all documents reflecting all communications between Defendants and PNC Bank regarding Plaintiff.

DOCUMENT REQUEST NO. 15

Produce all documents reflecting all communications between Defendants and Jessica Butts.

DOCUMENT REQUEST NO. 16

Produce documents showing the policy for handling of confidential informants and confidential sources.

DOCUMENT REQUEST NO. 17

Produce the order appointing Kimberly Lippincott as the confidential informant records custodian.

**ZARWIN, BAUM, DeVITO,
KAPLAN SCHAER & TODDY, P.C.**

By: /s/ David F. McComb

DAVID F. McCOMB
ZACHARY A. SILVERSTEIN
Attorneys for Plaintiff

DATED: June 24, 2021

CERTIFICATE OF SERVICE

I, David F. McComb, hereby certify that I today served a copy of the foregoing discovery requests upon counsel for defendants by email addressed to the following:

Gerard J. Geiger, Esq.
ggeiger@newmanwilliams.com
NEWMAN | WILLIAMS
712 Monroe Street
Stroudsburg, PA 18360-0511

Attorney for Defendants

_____/s/
David F. McComb

DATED: June 24, 2021

EXHIBIT “C”

NEWMAN WILLIAMS, P.C.
A PROFESSIONAL CORPORATION

ATTORNEYS FOR: Defendants

BY: GERARD J. GEIGER, ESQUIRE
IDENTIFICATION NO.: 44099
LAW OFFICES
712 MONROE STREET
P.O. BOX 511
STROUDSBURG, PA 18360-0511
(570) 421-9090 (voice)
(570) 424-9739 (fax)
ggeiger@newmanwilliams.com (email)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL KREISCHER,

Plaintiff,

v.

E. DAVID CHRISTINE, JR.,
MICHAEL MANCUSO,
WENDY B. SERFASS,
MARIO ORLANDO, and
ERIC KERCHNER,

Defendants.

CIVIL ACTION NO. 21-CV-00221

**DEFENDANTS, E. DAVID CHRISTINE, JR., MICHAEL MANCUSO,
WENDY B. SERFASS, MARIO ORLANDO, AND ERIC KERCHNER'S
ANSWER TO PLAINTIFF, MICHAEL KREISCHER'S INTERROGATORIES**

INTERROGATORY NO. 1:

As to any individuals who may have information about the Plaintiff's claims as alleged in his Complaint or Defendants' defenses as asserted in their Answer:

- A. Identify by name, along with the most current and last known address and telephone number, all persons who may have knowledge of the facts which tend to support or refute any claim or defense asserted in this case (regardless of whether the individual is currently employed), and describe the facts or knowledge of any person referenced in this interrogatory with particularity; and

- B. State whether Defendants contend that any specified individual in response to subpart A herein is represented by Defendants' counsel.

RESPONSE: Detectives Brian Webbe and Kim Lippincott of the Monroe County District Attorney Office may have knowledge of the requested information. Defendants are unable to speculate on what specific knowledge they may have. Detectives Brian Webbe and Kim Lippincott are not presently represented by Defendants' counsel in this case. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 2:

State why defendants or anyone acting on their behalf contacted law enforcement agencies immediately after Plaintiff's termination to advise them of his termination, and further identify:

- A. The person or persons who made those communications;
- B. What precisely was communicated; and
- C. The person(s) who suggested or directed that such communications take place.

RESPONSE: It is standard practice for the office to contact the Chiefs or Station Commanders for all local jurisdictions/barracks when a detective is suspended and/or terminated. Monroe County Control Center, Correctional Facility and the President Judge are also notified. No details are provided other than they are no longer associated with the office. The Sheriff's Office is specifically requested to remove the persons access to the Court's facilities by prox card. The County IT would be notified (although not necessarily immediately) so they can remove remote access if appropriate. This responsibility has fallen to Defendant, Wendy B. Serfass several times over the years and she has handled the notifications by telephone each time and in the same way in that she does not provide any unnecessary details. No reason is given, and it is not disclosed as to it being voluntary or otherwise. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 3:

State why defendants or anyone acting on their behalf contacted PNC Bank to discuss Plaintiff and his relationship with Jessica Stubbs, and further identify:

- A. The person or persons who made those communications to PNC Bank and the bank official to whom the communications were made;
- B. What precisely was communicated; and
- C. The person(s) who suggested or directed that such communications take place.

RESPONSE: It is Defendants' understanding from reading the Pennsylvania State Police report that members of the Pennsylvania State Police contacted PNC staff regarding the subsequent investigation into Kreischer's relationship with Jessica Butts. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 4:

State whether defendants or anyone acting on their behalf told or discussed with PNC Bank that Plaintiff had improperly obtained access to the account of Jessica Stubbs or was blackmailing/extorting her, and further identify:

- A. The person or persons who made those communications;
- B. What precisely was communicated; and
- C. The person(s) who suggested or directed that such communications take place.

RESPONSE: Defendants' do not recall contact with any persons from PNC Bank regarding Michael Kreischer. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 5:

State whether defendants or anyone acting on their behalf ever obtained cell phone records for Plaintiff or Jessica Stubbs, and further identify:

- A. The person or persons who obtained those records;
- B. What actions were employed to obtain those records;
- C. What affidavits or other materials were submitted to a court or other judicial official to obtain those records and the affiant and any other person who submitted that material'
- D. The name of the judicial officer to whom those materials were submitted;
- E. The Court docket number; and
- F. The reason (s) that defendants and Monroe County currently have no such records of those occurrences.

RESPONSE: Detective Wendy B. Serfass did obtain cell phone records for Jessica Butts. Those records were obtained in an effort to locate her and create a timeline of her contact with Michael Kreischer during the time span she was staying at the Best Western, out of communication with her parole agent and to verify that Michael Kreischer had been truthful with Chief Kerchner and

ADA Michael Mancuso about his contacts with her (for purposes of the suspension of his employment). Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 6:

State whether defendants or anyone acting on their behalf ever did surveillance on Plaintiff, and further identify:

- A. The person or persons who performed the surveillance and the person or persons who suggested, authorized or directed that the surveillance take place;
- B. The time frame during which the surveillance was conducted;
- C. Any records, notes or investigative reports that describe what information was obtained during the surveillance;
- D. The person(s) who had access or reviewed those records, notes or investigative reports; and
- E. The reason (s) that defendants and Monroe County currently have no such records of those occurrences.

RESPONSE: Defendants' did not engage in any surveillance of Michael Kreischer. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 7:

State whether defendants or anyone acting on their behalf ever interviewed Jessica Stubbs while she was in custody, and further identify:

- A. The person or persons who interviewed Ms. Stubbs;
- B. The date(s) during which the interview was conducted;
- C. Any records, notes or investigative reports that describe what information was obtained during the interview;
- D. The person(s) who had access or reviewed those records, notes or investigative reports; and
- E. The reason (s) that defendants and Monroe County currently have no such records of those occurrences.

RESPONSE: Detective Mario Orlando did have limited contact with Jessica Butts at the Best Western, in the form of an attempt at a welfare check. His report has

been previously provided. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 8:

State whether defendants or anyone acting on their behalf ever conducted an investigation of whether cigarettes from the Evidence Room were consumed or gang records were improperly maintained, both of which were reported by Plaintiff. If so, further identify:

- A. The person or persons who the investigation(s);
- B. The date(s) during which the investigation(s) were conducted;
- C. Any records, notes or investigative reports that describe what information was obtained during the investigation(s);
- D. The person(s) who had access or reviewed those records, notes or investigative reports; and
- E. The reason (s) that defendants and Monroe County currently have no such records of such investigation(s).

RESPONSE: Defendants' do not recall any investigation. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 9:

State whether defendants or anyone acting on their behalf have retained any expert witness in this matter and, if so, the person's name, address, telephone number and subjects in which he is expected to provide expert testimony.

RESPONSE: Experts, if any, have not yet been determined. Discovery is ongoing, additional information will be provided when/if it becomes available.

INTERROGATORY NO. 10:

State whether defendants or anyone acting on their behalf have received any inquiries from prospective employers of Plaintiff after his termination. If so, further identify:

- A. The person or person who responded to the inquiry(s);
- B. The date(s) during which the inquiries were made;
- C. Any records, notes or investigative reports that describe what information was disclosed during the inquiries;

- D. The person(s) who had access or reviewed those records, notes or investigative reports;
and
- E. The reason (s) that defendants and Monroe County currently have no such records of
such investigation(s).

RESPONSE: No.

INTERROGATORY NO. 11:

State whether defendants or anyone acting on their behalf have received any inquiries from the Pennsylvania State Police about Plaintiff after his termination. If so, further identify:

- A. The person or persons who responded to the inquiry(s);
- B. The date(s) during which the inquiries were made;
- C. Any records, notes or investigative reports that describe what information was disclosed
during the inquiries;
- D. The person(s) who had access or reviewed those records, notes or investigative reports;
and
- E. The reason (s) that defendants and Monroe County currently have no such records of
such investigation(s).

RESPONSE: At the conclusion of Detective Wendy B. Serfass' investigation (which ended when Michael Kreischer was terminated) she made a referral for investigation to the Pennsylvania State Police and provided them the information, records that she had obtained. She would have answered any questions regarding Michael Kreischer that were directed to her by PSP, but she has no specific recollection of any notable interactions past the referral. Discovery is ongoing, additional information will be provided when/if it becomes available.

NEWMAN WILLIAMS, P.C.

By: _____

Gerard J. Geiger, Esquire
Attorney ID #44099
Attorney for Defendants

Dated: _____

7/12/2022

EXHIBIT “D”

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL KREISCHER, :
 : No. 21-CV-00221
Plaintiff :
 :
vs :
 :
E. DAVID CHRISTINE, JR., :
MICHAEL MANCUSO, :
WENDY B. SERFASS :
MARIO ORLANDO and ERIC KERCHNER, :
 :
Defendants :

DEPOSITION OF E. DAVID CHRISTINE, JR., ESQ.

Taken in the law offices of Newman Williams,
712 Monroe Street, Stroudsburg, Pennsylvania, on Friday,
March 17th, 2023, commencing at 8:55 a.m., before
Jessica Mondello, Professional Court Reporter, Notary
Public.

APPEARANCES:

ZARWIN, BAUM, DEVITO, KAPLAN, SCHAEER &
TODDY

By: DAVID F. MCCOMB, ESQ.

2005 Market Street

16th Floor

Philadelphia, PA 19103

Dfmccomb@zarwin.com

(267) 765-9628

--Representing the Plaintiff

* * *

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1 work so he could then move over to his new job.

2 Again, I don't know the timing
3 of that or how many times I was told that, but
4 that would have come to me, not from Detective
5 Kerchner. I recall that coming from Mr.
6 Mancuso.

7 Q. Was it ever brought to your
8 attention that Mr. Kreischer made complaints
9 about the handling of evidence, cigarettes,
10 specifically, in the evidence room?

11 A. No.

12 Q. Never came to your attention?

13 A. It did, I believe, in the
14 context of the complaint you filed. It was the
15 first time I knew about this cigarette issue.

16 Q. Did you ever hear any complaints
17 from any source that Mr. Kreischer may have had
18 about improper conduct with respect to
19 vehicles, usage of vehicles and funding of
20 vehicles?

21 A. No.

22 Q. Who participated in the decision
23 to terminate Mr. Kreischer's employment?

24 A. Me.

25 Q. And what were the --

1 specifically as you can recall, sir, what were
2 the facts you relied upon in making the
3 decision to terminate his employment?

4 A. Well, all the particulars elude
5 me because of the passage of time and the
6 imperfections of human recollection, including
7 my own, but I do remember that I instantly
8 decided that I wanted him fired, and expressed
9 that, once I had learned that when he was
10 supposed to be, I believe, in Philadelphia with
11 either a medical or veterinary emergency,
12 having not kept in communication, according to
13 Mr. Kerchner, with him to -- he was summoned to
14 come to the office, having had difficulty on
15 Mr. Kerchner's part to -- for him to
16 communicate back to him that instead of being
17 in Philadelphia, he apparently was in a motel
18 known for drug distribution and drug use when
19 an operation was being done there by the Monroe
20 County Drug Task Force, and he was seen there.
21 And when I was informed of that, I said, he is
22 to be fired immediately.

23 My original intention was to
24 suspend him to get him under control, but when
25 I heard that, I made the decision, and

1 expressed it, that he is to be fired
2 immediately.

3 Q. What specifically about his
4 presence at the motel concerned you?

5 A. At that point, only that he
6 wasn't where he was supposed to be.

7 And the background is, at some
8 point, he was terminated from -- we withdrew
9 from the LOFT -- whatever that agreement was
10 within the Attorney General's Office, we
11 withdrew from that because we wanted him to
12 come back to the office. He was -- there
13 was -- a timeline eludes me, but he wasn't
14 communicating with Mr. Kerchner. He wasn't
15 responding back to him.

16 And so our intention was to
17 suspend him to try and get him under control
18 and find out what's going on.

19 So it went from a suspension,
20 which he never knew about it because he never
21 came in, to a firing when with -- under the
22 context that he wasn't interacting with our
23 office as one of our employees, he then was
24 where he was not supposed to be because he was
25 supposed to be in Philadelphia.

1 So if you're in a hotel, or a
2 motel, somewhere near to Stroudsburg, when
3 you're supposed to be at the office, having
4 been summoned there, without telling us why you
5 can't come, that was enough for me to say, I've
6 had enough, and I discharged him.

7 Q. Was he summoned to the office at
8 5:26 the day before?

9 A. I don't know.

10 I was not directly participating
11 in the efforts to communicate with him. Those
12 were, I assume, done by Chief County Detective
13 Kerchner.

14 I remember him relaying these
15 concerns, he's not getting back to me, I think
16 once sent in an e-mail that was read but was
17 not responded to.

18 At some point, he must have said
19 something because it was my impression from Mr.
20 Kerchner that he had either a veterinary
21 emergency or a medical emergency, and he was in
22 the city of Philadelphia.

23 Q. But if I represented to you that
24 the e-mail to Mr. Kreisler was sent at
25 5:26 p.m. the day before, and told that he had

1 something as directed from simply having
2 something?

3 A. No, I don't.

4 Q. Do you ever have
5 any conversation -- strike that.

6 At some point, were the
7 Pennsylvania State Police asked to get involved
8 in an investigation of Mr. Kreischer?

9 A. I was aware of that, yes.

10 I didn't make that call, but I
11 was aware that, as appropriate, there was an
12 investigation requested from an entity outside
13 our office to look into these matters.

14 Q. I'm going to follow up with
15 that, but if we could stay on Orlando 3.

16 If you could look at
17 Interrogatory No. 5.

18 A. Okay. Do you want me to read
19 it?

20 Q. Yeah. Read it to yourself.

21 A. Okay.

22 I've read it.

23 Q. Okay. It states that Detective
24 Serfass did obtain cell phone records from
25 Jessica Butts, correct?

1 A. Yes.

2 Q. And then it states that they
3 were obtained in an effort to locate her and
4 create a timeline of her contact with Michael
5 Kreischer, correct?

6 A. It says that, yes.

7 Q. Why was Detective Serfass
8 interested in obtaining -- why was she
9 interested in locating Ms. Butts?

10 A. I don't specifically recall
11 everything about that, but I know they were
12 looking into whether or not Mr. Kreischer was
13 involved in facilitating, among other things,
14 providing her with protection or access to
15 narcotics.

16 I don't believe that's the only
17 thing. I know they were also looking into
18 whether or not he was obtaining money from her
19 under circumstances which were not appropriate
20 and whether or not he facilitated retention of
21 her child by falsely representing himself as
22 the parent of the child to another law
23 enforcement agency.

24 But the specifics of those
25 concerns, the timing of them, and the specific

1 actions taken by the Pennsylvania State Police
2 with our cooperation to figure all those issues
3 out elude me due to the passage of time.

4 Q. Okay. I'll follow up on your
5 response, but for now, it says, these records
6 were obtained in an effort to locate her.

7 Why was Monroe County interested
8 in locating Jessica Butts?

9 A. I'm not -- I can't recall
10 specifically what the reason was other than the
11 obvious, to figure out whether she was involved
12 in an elicit drug-related relationship with Mr.
13 Kreischer.

14 Q. The detention warrant for Ms.
15 Butts that was issued, was issued out of
16 Luzerne County, Correct?

17 A. I know it was another county. I
18 don't recall the county. I don't believe it
19 was Monroe County.

20 Q. Did Luzerne County ever contact
21 Monroe County and ask for assistance in
22 locating Ms. Butts?

23 A. I can't recall one way or the
24 other.

25 Q. In your experience, is that a

1 common occurrence for another county to
2 assist -- ask one county to assist in locating
3 someone who may have a warrant for them?

4 A. It has occurred, but I don't
5 know if it occurs in all situations. I don't
6 have a specific recollection of how many.

7 Q. Now, if you continue reading on,
8 Interrogatory No. 5.

9 So it says, the records were
10 obtained in an effort to locate her, create a
11 timeline of her contact with Mr. Kreischer, and
12 then at the end, and to verify that Michael
13 Kreischer had been truthful with Chief Kerchner
14 and ADA Michael Mancuso about his contact with
15 her for purposes of the suspension of his
16 employment.

17 What is that referring to?

18 A. I really can't tell you. I'm
19 sure I knew at the time, but I can't recall
20 now.

21 Q. Well, why would it matter
22 whether Mr. Kreischer was truthful with Chief
23 Kerschner and Michael Mancuso with respect to
24 his employment?

25 A. I don't know whether that means

1 specifically just his employment or whether
2 also in the context of his interactions with
3 this Jessica individual.

4 Q. Well, again, it's drafted by a
5 lawyer, and it says about his contacts with
6 her, paren, for purposes of the suspension of
7 his employment.

8 That's what it says, right?

9 A. Yes.

10 Q. But you don't know what it's
11 referring to?

12 A. No.

13 Q. Before I asked you those last
14 three questions, you said that there was an
15 investigation performed by the Pennsylvania
16 State Police?

17 A. Yes.

18 Q. Was that requested by you?

19 A. I didn't make the request. I'm
20 sure I was aware of the request and in support
21 of the request, but I didn't call the
22 Pennsylvania State Police to actually initiate
23 it.

24 But I felt it was appropriate.
25 I do recall that.

1 Q. Were you involved in the
2 investigation done by the Pennsylvania State
3 Police?

4 A. No.

5 Q. Not in any way?

6 A. I remember one brief
7 conversation with Justin Leri, the
8 investigating trooper, after it was over, and
9 there may have been progress reports given to
10 me, not by him but by others. But I don't
11 recall them.

12 But I wasn't watching the
13 investigation or trying to carefully keep track
14 of what was going on while it was being
15 conducted by the Pennsylvania State Police.

16 (Orlando Exhibit Number 2 was
17 Marked for Identification.)

18 BY MR. McCOMB:

19 Q. If you could look at the
20 Pennsylvania State Police records, I think are
21 over there, in front of you.

22 A. In this black binder?

23 Q. Yeah. It was previously marked
24 as -- I believe it was Orlando 2.

25 And if you could look at page

1 274.

2 A. Page --

3 Q. 274. It's the second to last
4 page at the end.

5 A. Okay. I've got it.

6 Q. Okay. And I'll represent for
7 the record this is part of the Pennsylvania
8 State Police general offense reports, and it
9 looks as if it's a follow-up report dated
10 February 26, 2020.

11 And it looks as if it's in
12 reference -- I'll read, in February 2020, I met
13 with DA Christine at the Monroe County District
14 Attorney's Office. DA Christine indicated that
15 he had reviewed the report and at this time is
16 not requesting any criminal charges. DA
17 Christine stated that should any additional
18 information become available, he would like to
19 be informed.

20 Do you see that?

21 A. Yes.

22 Q. Do you recall the meeting with
23 this officer?

24 A. I believe that was probably what
25 I was referring to when I said I remember

1 talking to Justin Leri about the investigation.

2 This would have been when that
3 occurred.

4 Q. It states that you had reviewed
5 the report.

6 What report is being referred to
7 here?

8 A. I assume whatever records were
9 developed in the course of the investigation.

10 I don't recall reading the
11 report. I'm sure I did. I just don't have any
12 recollection of it, but I do recall the
13 conversation I had with Trooper Leri about his
14 investigation.

15 Q. Are you aware that in discovery,
16 we served a document request for all
17 communications, e-mails, memoranda, all
18 investigative reports in the possession of any
19 of the Defendants relating to Mr. Kreischer?

20 A. I'm not aware of that, but I
21 would assume that would be appropriate to have
22 done.

23 Q. Did you personally make a search
24 for any documents that may have been responsive
25 for that request?

1 have done that, not -- in my experience in the
2 24 years I've been the DA.

3 Q. So if -- I want to make sure I'm
4 following you.

5 So no litigation hold request
6 was issued by you or anybody under your
7 direction?

8 A. Once again, you're using the
9 word, litigation hold.

10 I did not prepare an e-mail
11 saying, I hereby initiate a litigation hold.
12 Everyone here, meaning everyone involved in
13 this investigation, would have known not to get
14 rid of documents and to hold them just as a
15 matter of course. They don't need to be told
16 to do that because it's improper to dispose of
17 documents that might be relevant in pending
18 litigation.

19 Q. Do you have any explanation then
20 for why it was that your counsel represented
21 that there are, no responsive documents?

22 A. I don't know -- once again, I
23 don't know what that means in context of what
24 has been submitted to you. I haven't looked,
25 at least recently, in what has been submitted

1 to you as discovery. Just as I can't tell you
2 what I think you mean by investigative file.

3 I know of no situation here
4 where there are documents involving this case
5 that you have not received. No personal
6 knowledge of that, if that helps you.

7 Q. One way or the other?

8 And again, the representation is
9 this, Orlando 2, the Pennsylvania GO reports,
10 didn't come from your office.

11 A. You've said that.

12 Q. Right.

13 A. Having not have been involved in
14 the investigation day-to-day, I can't tell you
15 where things came from, where they went, and
16 how they were stored.

17 Q. Why was this matter referred to
18 the Pennsylvania State Police in the first
19 instance?

20 A. To figure out whether he was up
21 to no good.

22 Q. But why them?

23 It looks as if your office is
24 conducting an investigation but sending stuff
25 to the Pennsylvania State Police.

1 Q. What she was doing in terms of
2 an investigation of Mr. Kreischer.

3 A. You mean since the filing of the
4 complaint?

5 Q. At any time prior to today.

6 A. I'm sure I've had conversations
7 with her about this case, and I know I remember
8 asking the people that you -- in my office that
9 you previously deposed, like, what were you
10 interested in, but I have no recollection
11 beyond that.

12 Q. You don't recall any specific
13 conversations with Detective Serfass about her
14 investigation post termination of Mr.
15 Kreischer?

16 A. I don't recall one way or the
17 other. It could have happened. I have no
18 idea.

19 Q. You testified earlier that --
20 and I think you used -- when I had asked what
21 you were looking at, something like, you know,
22 whether Kreischer was up to, no damn good, or
23 what he was --

24 A. I didn't say -- up to no good, I
25 said.

1 Q. Up to no good.

2 A. Which is sort of an inartful way
3 of -- what I should have said in proper
4 legalese is to determine whether or not his
5 interaction with this woman -- I can't remember
6 her name.

7 Q. Ms. Butts.

8 A. Yeah, Ms. Butts -- the
9 circumstances of his financial interactions
10 with her, the allegation that he made a false
11 statement to law enforcement authorities post
12 termination about being the father of the child
13 in question and whether or not he was
14 facilitating her use of illegal narcotics or
15 protecting her in some way using his law
16 enforcement skills and experience to do so,
17 were all worthy -- in general, worthy things to
18 be investigating, which was what my
19 understanding was, generally, the State Police
20 investigation. Although, as I said, I did not
21 follow day-to-day the course of their
22 investigation.

23 Q. As we sit here today, you're not
24 aware of any facts that would tend to support
25 going forward with an investigation or not

1 support going forward with the investigation?

2 A. I recall from the exhibit you
3 showed you me, that Justin Leri and I agreed
4 that at the point in time we had that
5 conversation, there was no justification to
6 file criminal charges unless further
7 information was developed.

8 Q. And that was in March of 2020?

9 A. Right.

10 Q. He was terminated in March 2019?

11 A. Yes, correct.

12 Q. And as we see, the activities of
13 your office followed from approximately
14 March 1st, 2019, up until your last -- that
15 last communication --

16 A. I don't recall the specific
17 timing other than what may be revealed by these
18 papers.

19 Q. Do you recall your office
20 submitting something to the Pennsylvania
21 Unemployment Compensation Board with respect to
22 Mr. Kreischer's request for unemployment
23 compensation?

24 A. No, other than that's usually
25 handled by the human relations department of

EXHIBIT “E”



PENNSYLVANIA STATE POLICE

General Offense Report

GO# PA 2019-917616

Operational Status: CLOSED

Commonwealth of Pennsylvania		APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION	
COUNTY OF MONROE			
Docket Number (Issuing Authority):	Police Incident Number:	Warrant Control Number:	
DETECTIVE WENDY SERFASS	DISTRICT ATTORNEY'S OFFICE	(570)517-3052	3/15/2019
AFFIANT NAME	AGENCY	PHONE NUMBER	DATE OF APPLICATION
IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):			
All account records for PNC Bank card 4430 4600 2812 5696 including any accounts accessed to fund transactions of this card to include signatory documentation, account holders, detail records of all account transactions from February 1, 2019 to present.			
SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):			
PNC Bank, 43 N 6th Street, Stroudsburg, Pennsylvania, Monroe		Social security numbers and financial information (e.g., PINs) should not be listed. If the identity of an account number must be established, it should be established by a true and correct copy of: <u>Official Record</u> of: <u>County of Monroe</u> the Record this <u>15</u> Day of <u>March</u> A.D. 2019 Court of Common Pleas of Monroe County Forty Third Judicial District Commonwealth of Pennsylvania George J. Warden, Clerk of Courts & Clerk of Orphans' Court	
NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):			
Jessica Butts		By: <u>Wesley K. Kuhl, Chief Deputy</u> Lance Kuhl, Chief Deputy Clerk of Courts & Clerk of Orphans' Court	
VIOLATION OF (Describe conduct or specify statute):		DATE(S) OF VIOLATION:	
Flight to Avoid Apprehension		January 5, 2019 to present	
<input checked="" type="checkbox"/> Warrant Application Approved by District Attorney - DA File No. <u>3/15/19-1</u> (If DA approval required per Pa.R.Crim.P. 201(1) with assigned File No. per Pa.R.Crim.P. 507)			
<input type="checkbox"/> Additional Pages Attached (Other than Affidavit of Probable Cause)			
<input type="checkbox"/> Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: <u>4</u>			
TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED			
The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.			
Signature of Affiant: <u>Wendy Serfass</u>		MONROE COUNTY DA OFFICE <u>37672</u> Agency or Address if private Affiant Badge Number	
Sworn to and subscribed before me this _____ day of _____, _____. Mag. Dist. No. _____			
Signature of Issuing Authority		Office Address	
SEARCH WARRANT TO LAW ENFORCEMENT OFFICER:			
WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.			
<input checked="" type="checkbox"/> This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than			
<input type="checkbox"/> This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than **			
<u>4:34 p</u> M, o'clock <u>17 March</u> 2019.			
<input type="checkbox"/> This Warrant shall be returned to Judicial officer _____			
* The issuing authority should specify a date no later than two (2) days after issuance. Pa.R.Crim.P. 205(4).			
** If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant then this block shall be checked. Pa.R.Crim.P. 206(7).			
Issued under my hand this <u>15</u> day of <u>March</u> 2019 at <u>4:34 p</u> M, o'clock.			
Signature of Issuing Authority		Mag. Dist. or Judicial Dist. No. <u>31</u> Date Commission Expires <u>31 Dec 2019</u> (SEAL)	
Title of Issuing Authority: <input type="checkbox"/> Magisterial District Judge <input checked="" type="checkbox"/> Common Pleas Judge <input type="checkbox"/> _____			
<input checked="" type="checkbox"/> For good cause stated in the affidavit(s) the Search Warrant Affidavit(s) are sealed for <u>90</u> days by my certification and signature. (Pa.R.Crim.P. 211)			
Signature of Issuing Authority		(Judge of the Court of Common Pleas or Appellate Court Justice or Judge) <u>15 March 2019</u> (Date) (SEAL)	

MDJS 410A

Clerk of Courts
MAR 15 '19 PM 4:39



PENNSYLVANIA STATE POLICE

General Offense Report

GO# PA 2019-917616

Operational Status: CLOSED

Commonwealth of Pennsylvania			AFFIDAVIT OF PROBABLE CAUSE
COUNTY OF MONROE			
Docket Number (Issuing Authority):	Police Incident Number:	20190301M0122	Warrant Control Number:
<p>PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES: <small>Social security numbers and financial information (e.g., PINs) should not be listed. If the identity of an account number must be established, use only the last 4 digits. 204 PA §§ 213.1 - 213.7.</small></p>			
<p>Your Affiant is a sworn police officer since December, 2007 and has been employed as a Monroe County Detective since October, 2006. Through the course of my employment I have investigated various criminal activity ranging from domestic violence to homicide. In such, I have received training on and have prepared Affidavits of Probable Cause for various Court Orders and Search Warrants in furtherance of obtaining information such as bank records, cellular telephone records and other information that has been used as evidence in investigation and prosecution of criminal activity as defined in the Pennsylvania Rules of Criminal Procedure and Crimes Code.</p> <p>On February 28, 2019 between the hours of 9:00 AM and 4:00 PM, Detectives from the District Attorney's Office, the Federal Bureau of Investigation and other agencies were conducting surveillance through the Safe Streets Program at the Howard Johnson hotel on Route 611, Bartonsville, Monroe County prior to effectuating a drug arrest and search warrant. The location is known for human trafficking and narcotics distribution. While at the hotel, Officer Shelley observed then Detective Michael Kreischer enter the hotel, then exit a short time later. Kreischer had earlier informed Chief County Detective Kerchner that he would be out from work that day due to illness.</p> <p>Kreischer was also observed by County Detective Marion Orlando. Prior to leaving, Kreischer quickly greeted Orlando and left in a pickup truck. Orlando observed that Kreischer appeared nervous. A short time later, Kreischer contacted Detective Mario Orlando by telephone and indicated he was at the hotel to see 'Jess' known to Orlando as Jessica Butts the mother of his 'godchild', and "get a check for C [REDACTED]". Kreischer further indicated that he was taking Jessica to a second treatment facility and that she had only been there for the weekend after having been discharged from a prior facility on Friday, February 22, 2019. On Thursday, February 28, 2019, Detective Orlando went to room 149 of the Howard Johnson hotel and spoke to Jessica Butts in the doorway. During the brief conversation, Butts appeared under the influence of a controlled substance. Jessica acknowledged that Kreischer had stopped to see her earlier.</p> <p>Jessica Butts is currently under supervision by the Luzerne County Probation Department for drug offenses. On Friday, March 1, 2019, a Commit and Detain Warrant was issued by Luzerne County for Butts who failed to attend random drug screening appointments since January 5, 2019. During the early morning hours of Friday, March 1, 2019, your Affiant and Probation Officers Dalton and Reese of the Monroe County Probation Department sought Jessica at the hotel. Jessica was not located at the hotel and had left without checking out. Her probation officer was not aware of Butts having been in any treatment facilities during the time she had failed to appear for her appointments.</p> <p style="text-align: right;">(Continued)</p>			

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature

Date 3/15/2019

Issuing Authority Signature

Date

15 March 2019
(SEAL)

Page 2 of 4 Pages

MDJS 410B-10



PENNSYLVANIA STATE POLICE

General Offense Report

GO# PA 2019-917616

Operational Status: CLOSED

Commonwealth of Pennsylvania

COUNTY OF MONROE



AFFIDAVIT OF PROBABLE CAUSE

Docket Number
(Issuing Authority):Police Incident
Number:

20190301M0122

Warrant Control
Number:

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:
Social security numbers and financial information (e.g., PINs) should not be listed. If the identity of an account number must be established, use only the last 4 digits.
 204 PA §§ 213.1 - 213.7.

Upon further investigation, it was learned that Butts had actually been staying at the hotel from February 9, 2019 through February 28, 2019. The hotel room that Butts was staying in was fully paid for, however; it was left in a filthy state. There was rotten food, garbage, vomit and other litter all about the floor and furniture, the bedding had not been laundered as Butts refused housekeeping services. Drug paraphernalia and syringes were also found in the room indicating that Butts was using during the time she was staying there. Hotel staff members had observed Jessica on occasion and knew that she did not have a vehicle. Kreischer was seen at the hotel coming or going from her room on at least one occasion. Additionally, surveillance footage from the Hotel lobby depicts Kreischer approaching the front desk on February 28, 2019 and asking to extend Jessica's room for one additional night.

Kreischer has since been terminated from his employment with the District Attorney's Office. Kreischer alleged he was taking Jessica to a treatment facility in the Lehigh Valley, but did not respond when informed of the warrant. Kreischer has not cooperated in locating Jessica. The last known activity of Jessica, leaving the Howard Johnson Hotel in Monroe County, is believed to have been accomplished with the aid of Kreischer.

Butts is known to use the telephone number 570-394-4900 and it is still an active account. Kreischer has denied any knowledge of Butts' location and has as recently as March 3, 2019, told family members of Butts that he has not heard from her in 'weeks'.

The investigation has also revealed that Jessica Butts is beneficiary of her mother's estate and within the last several months received several hundred thousand dollars in inheritance.

In March, 2018, Jessica Butts was arrested by the Wilkes-Barre Township Police Department in Luzerne County for drug offenses and reckless endangerment. At that time, both Kreischer and Jessica Butts identified Kreischer as the father of Cameron Butts, the minor child that was with Jessica at the time of her arrest. Michael and his wife, Roseann Kreischer currently have custody of Cameron aka Cami since early March, 2018 based upon the representations to both law enforcement in Luzerne County and Luzerne County Children and Youth Services that Kreischer is Cami's biological father.

During his employment with the Monroe County District Attorney's Office, Kreischer repeatedly denied being the father of Cami, but stated that he was the 'god father' because of his longtime friendship with Jessica that started when he was a Scranton police officer and she was a confidential informant for him. After Jessica's arrest in March, 2018, Kreischer indicated to several co-workers that he was in the process of obtaining custody of Cami due to the continued drug abuse of Jessica. A search of the Prothonotary's Office in both

(Continued)

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature

Date 3/15/2019

Issuing Authority Signature

Date

Page 3 of 4 Pages

MDJS 410B-10

15 March 2019
(SEAL)



PENNSYLVANIA STATE POLICE

General Offense Report

GO# PA 2019-917616

Operational Status: CLOSED

Commonwealth of Pennsylvania			AFFIDAVIT OF PROBABLE CAUSE
COUNTY OF MONROE			
Docket Number (Issuing Authority):	Police Incident Number: 20190301M0122	Warrant Control Number:	
<p>PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:</p> <p><small>Social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account number must be established, use only the last 4 digits. 204 PA §§ 213.1 - 213.7.</small></p> <p>Monroe County and Luzerne County shows that no such custody action has ever been initiated for Cameron Butts and based on the conflicting information, it is questionable who the biological father of Cami is and what right to custody of the child is due Kreisler.</p> <p>The whereabouts of Jessica are still unknown to investigators which would tend to suggest she has not been admitted to a rehabilitation facility. The state of her hotel room upon check-out would suggest that she is abusing illegal drugs and there exists a real concern for her health and welfare. The only person that may have information relating to her whereabouts is Kreisler who was informed of the warrant and admonished to turn her in to authorities on Friday, March 1, 2019. To date, no information about her whereabouts has been provided to authorities, no contact has been made to her probation officer with regard to her being admitted to a rehabilitation program and Kreisler has claimed to her family that he has not been in contact with her 'for several weeks'.</p> <p>The investigation has revealed that Kreisler has been providing false information related to the biological parentage of Cameron Butts, his relationship with her mother, Jessica Butts, as well as, other factors including his financial situation over the course of several months. That information coupled with the fact that Kreisler was the last person to be in the company of Jessica Butts, the fact he has custodial control over her child, and she has access to large sums of money which can be used for the child's benefit cause grave concern for the child's welfare.</p> <p>Based upon the above investigation, I, Detective Wendy Serfass of the Monroe County District Attorney's Office, submit that there is probable cause to believe that Butts is aware of her commit and detain warrant and is actively avoiding arrest. It is also possible that she is being aided by Kreisler who has refused to provide any information on her location to authorities.</p> <p>Based on that information, your Affiant requests the Court issue this Search Warrant for the financial records of Jessica Butts, specifically, PNC account with card bearing the number of 4430 4600 2812 5696, expiration 12/21. The financial transactions may provide details of her whereabouts and allow investigators to interview her regarding the actions of Kreisler in assisting her since March 1, 2019, forward the investigation into potential interference with the custody of Cameron Butts and allow her to be brought forth to answer her probation violations pending before the Luzerne County authorities.</p> <p>Additionally, your Affiant requests the Affidavit attached to this Search Warrant be sealed pursuant to Pa.R.Crim.P. 211 for a period of ninety (90) days to protect the integrity of the investigation.</p>			

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature Date 3/19/2019 Issuing Authority Signature Date 15 March 2019 (SEAL)

Page 4 of 4 Pages

MDJS 410B-10



PENNSYLVANIA STATE POLICE

General Offense Report

GO# PA 2019-917616

Operational Status: CLOSED

Related Report Image(s)

Type: Other

Description: MCDA EMAIL CORRESPONDENCE REQUESTING INVESTIGATION

Leri, Justin M

From: Bailey, Jonathan
Sent: Friday, July 5, 2019 11:16 AM
To: Leri, Justin M
Subject: FW: Kreischer investigation/referral
Attachments: toshiba@monroecountypa.gov_20190705_094253.pdf
Importance: High

-----Original Message-----

From: Bentzoni, Wendy <WSBentzoni@monroecountypa.gov>
 Sent: Friday, July 5, 2019 10:57 AM
 To: Brutosky, Devon M <dbrutosky@pa.gov>
 Cc: Bailey, Jonathan <jonbailey@pa.gov>; Kerchner, Eric <EKerchner@monroecountypa.gov>; Mancuso, Michael <MMancuso@monroecountypa.gov>
 Subject: Kreischer investigation/referral
 Importance: High

Lieutenant Brutosky,

Attached please find a report of the preliminary investigation that I completed with regard to Michael Kreischer. My involvement in this was based on concerns that came out in the final days of Mr. Kreischer's employment with the Monroe County District Attorney's Office. It is my belief that Mr. Kriescher has committed criminal acts in regard to Jessica Butts and C [REDACTED] E [REDACTED], specifically, false reports to Law Enforcement (he told the Wilkes-Barre Township Police Dept that C [REDACTED] was his child despite having denied that claim repeatedly) and Hindering Apprehension (as a LE Officer, he should have and likely was aware that Jessica would have had a warrant for her failure to complete and attend her sentence of Probation with Luzerne County). Ms. Butts has recently been arrested on the outstanding warrant and is currently being housed in the Luzerne County Prison. Her probation violation hearing is set for Tuesday, July 9, 2019. Her arrest has prompted our office to request the Pennsylvania State Police to take jurisdiction over this investigation, however; I am quite familiar with various aspects of this situation and am happy to assist on her interview if you desire.

I have obtained cellular telephone records and banking records that may be of use to your investigators. I have copies available should you decide to take over this investigation. I have summarized the contents in my report which is attached to this email.

Please feel free to reach out if you need further clarification.

Regards,
 Wendy

Wendy Bentzoni Serfass
 Detective Sergeant
 Monroe County District Attorney's Office
 610 Monroe Street, Ste 126
 Stroudsburg, Pennsylvania 18360

EXHIBIT “F”

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

* * * * *

*

MICHAEL KREISCHER, *
Plaintiff * Civil Action No.
vs. * 21-cv-00221

E. DAVID CHRISTINE, JR.,

MICHAEL MANCUSO, *

WENDY B. SERFASS, *

MARIO ORLANDO and *

ERIC KERCHNER, *

Defendant *

*

* * * * *

DEPOSITION OF
ERIC KERCHNER
November 22, 2022

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by the certifying agency.

1 A. Again, they were the write-ups, the
2 discussions I had with Mike that I documented
3 discussions with Michael Kreischer.

4 Q. Okay.

5 And what is your title, sir?

6 A. Chief County Detective.

7 Q. And, I asked Detective Orlando this, do you
8 have familiarity with the process in your office
9 for issuing a litigation hold?

10 A. Other than if a request is made, we would
11 hold it, other than that, no.

12 Q. Who would make the request for litigation
13 hold?

14 A. I guess the people who are suing us.

15 Q. So, if your office is aware of possible
16 litigation and there's no specific request, you
17 don't do a litigation hold?

18 A. Correct.

19 Q. Now in this case, were you aware that Mr.
20 Kreischer had counsel?

21 A. When?

22 Q. The day he was terminated.

23 A. No, I'm not aware.

24 Q. Okay, if you could turn to I think it's
25 Orlando-1 should be in front of you with a

1 Q. How about if there wasn't a warrant out for
2 that person?

3 A. Well, that would also make a difference.

4 Q. So, it is significant as to when the warrant
5 was issued?

6 A. Look right here is exactly what I said in
7 writing on the dates that I said it.

8 Q. And the next sentence says, upon that
9 discovery of the fact that the Mr. Kreischer lied
10 to both First District Attorney, Michael Mancuso
11 and I about matters of material importance. What
12 did he lie about?

13 A. About what he was doing. About his job with
14 LOFT. He lied about his job with LOFT. He
15 wasn't telling us the truth. He told us that he
16 was leaving to go full-time with them, which was
17 not true. He told us he was working when it was
18 not true. And he would not support anything with
19 written documentation.

20 Q. So, the lying was about his possible job with
21 the Attorney General's Office?

22 A. Yes, that was very important, yes.

23 Q. And so because he didn't tell you the truth
24 in your mind about what his future job was going
25 to be, you regarded him as someone who could no

1 longer be trusted to testify truthfully under
2 oath as a Commonwealth witness?

3 A. Yes, that's part of the reason. The other
4 part of the reason was because he wasn't
5 submitting reports, he wasn't backing up his
6 verbal reports about what he was doing.

7 Q. In your mind, is there a difference between
8 someone not volunteering whether they're leaving
9 a job and someone committing perjury?

10 A. Yes, yes. We couldn't trust him. We could
11 not trust him. That's the reason he was term ---
12 well, actually the reason he was terminated is
13 because he wouldn't even come in to talk to us.
14 He was given several opportunities to come in and
15 talk to us and he refused to do that. So, I had
16 no other choice but to terminate his employment.

17 Q. You sent the text on the 28th at 5:58 to come
18 in and talk to me and then he didn't come in and
19 then you terminated him on the next day at 11?

20 A. Correct.

21 Q. That was the terminable offense?

22 A. Yes it was. He was written up three other
23 times and warned a fourth time about his failure
24 to communicate with us and it just did no good.

25 Q. As you sit here today, are there any other

EXHIBIT “G”

mhk@ptd.net

From: Kreischer, Michael <mkreischer@monroecountypa.gov>
Sent: Thursday, February 28, 2019 5:16 PM
To: mhk@ptd.net
Subject: Fwd: Hound update confidential

Sent from my iPhone

Begin forwarded message:

From: "Kreischer, Michael" <mkreischer@monroecountypa.gov>
Date: February 25, 2019 at 6:49:22 AM EST
To: "Mancuso, Michael" <mmancuso@monroecountypa.gov>
Subject: Hound update confidential

Michael,

I wanted to give you an update and some personal and confidential information. I did have a productive discussion with Eric on Friday and I thank you for that.

Friday my team with the PA OAG was successful in making a purchase from Moolah, last name Finikin. He is Blood Hound Brim, FINALLY!! As you know I have been working months trying to get into this group. I have enough with this buy and background information to include jail calls to obtain a pen register, which I am working on the affidavit this week. He actually said to the informant if you want to buy dope buy dope, do not bother me with bricks. Moolah stated in the past they used to purchase heroin in brick form and cut and package at the home of Bang's (Koroma) girlfriend in APCP. They now purchase and do so at his residence which is in marshalls creek which we have not located yet. The car he was in with his girlfriend is registered to her in long pond. Since Bang is now incarcerated the street supervisor is VI, VI is in Wilkes Barre and his name is Vince Brown. I have him identified by jail calls and through Nubbs who has had calls with him. I am working on a search warrant for facebook and instagram records. Nubbs is doing what he can to assist.

As we have discussed in the past issues that have occurred in office are ludicrous and childish. When I explained to Eric how I was working these cases and I am the Affiant, well there are 2 and 3 on these larger cases he really didn't understand. I believe he may have a little more insight and was shocked when I told him that the last wire I did the affidavit was an excess of 800 pages. He does not understand the amount of time and leg work, surveillance, interviews both ci and jailhouse that I put into these cases and Eric is one that wants to see detectives sitting behind desks. I was hired to look at the gang issue, we've discussed that assessment and how I have been attacking the issue. I cannot do that sitting behind a desk. Truly part of my issue and discussion with Eric was with Kim's jealousy and her influence on Eric.

I do not like gossip and have stood up against those issues, which has been quite unpopular. Eric really didn't like the turn of gossip about the cigarettes from evidence room and use of funds to purchase them. Understand as I told him I would never hurt you or David or the reputation of this office, as you had seen in how I have handled things in the past. That gossip was started as a test to one person. Honestly in this office there have only been 3 people I have discussed things with that have not gone anywhere. You, Wendy and Mario, sans David of course and Tom is just to new.

Addiction has touched my life in many ways. I am motivated at what I do for a reason. While you know the backstory of Cami's mother Jess, addiction through friends and family has touched me as early as my grade school days. When I was in college I was a police officer. I had left Berwick and was working part time in Courtdale before going to Scranton. I was working parttime to keep my mopetc numbers and A cert current. While working there, some of the guys found out who I was and my background in working as an undercover and wanted to get involved with the Luzerne County Drug Taskforce. So I contacted my friends at the AG office and got them involved. Of course part of that was me working cases with them as an undercover. I worked a few and continued on with college and eventually getting hired in Scranton. The chief in Courtdale was a guy by the name of Michael Bickauskas. Michael had been part of my support team that ensured my safety when doing undercover buys. A few years after I moved on to Scranton Michael had gotten injured on duty. Well, he turned to street drugs, heroin. Eventually he gets arrested, actually by someone I am close to at the AG's Office today. Michael was crucified on tv by Peter Paul Olshefski the DA at the time. So, of course what does a disgraced police officer out on bail do? Yes, Michael committed suicide.

This is an example of how 2 other police officers have touched my life with addiction. I look at addiction as a weakness and these gang members prey upon them. As a police officer it is my duty to protect the weak and put these predators behind bars. I cannot do that as an assistant to anyone. I need to be in the field at the forefront and as an affiant investigator.

Eric is really hung up on when I am leaving. I have been honest and upfront. As soon as rumors began circulating I approached both you and Eric and advised I am moving on. I advised Eric, these guys in AG office cannot discuss that. I further advised Eric the process I am going through as the position I will fill is one of a current employee who has been reassigned for some issues and he has been fighting through the union process which seems to have finally come to a conclusion. I do not have a date, but did advise I would provide as much notice as possible.

I know there are individuals pushing because they want their allies appointed to my positon when I vacate. It honestly gets tiring having to be the one to take the high road while others can continue to poke the bear and do as they please.

My time here with Monroe I have gathered a lot of gang knowledge and I do look forward to continuing our relationship and putting these guys where they belong. This is where I reside and am raising a young child. I want a safe environment for her, not to mention my previous stated motivation. So, even after I paid by a different agency I will still be here in the area working with you and the office. I have brought resources to this office and will continue to do so.

Thanks for listening. If you want to discuss anything, please reach out.

Mike

I forgot update on Geltz, he has been working in Philadelphia. I will meet with Ryan and work out when we can get him here. Since he has already been before you we may need to consensualize on phone, but will discuss with you.

Detective Michael H. Kreischer
Monroe County Office of the District Attorney
Detective Division
610 Monroe Street, Suite 126
Stroudsburg, PA 18360

Task Force Officer
Pennsylvania Office Of Attorney General
Bureau Narcotic Investigation, Region I Allenton
2305 28th Street S.W.
Allentown, PA 18103

(570) 517-3152 Office | (570) 517-3825 Fax

Email: mkreischer@monroecountypa.gov

c-mkreischer@attorneygeneral.gov

Website: <http://monroecountyda.com>

www.attorneygeneral.gov

EXHIBIT “H”

NOTICE OF DETERMINATION



The final day to file a timely appeal to this determination is April 17, 2019.

SSN: 181-62-6814
Type Claim: US
AB Date: March 10, 2019
Mailed On: April 02, 2019
Page: 1 of 3

EMPLOYER:

MONROE COUNTY COMMISSIONERS
PO BOX 1180 CORPORATE COST CO
LONDONDERRY NH 03053

CLAIMANT:

MICHAEL H. KREISCHER
258 SCHOOLHOUSE ROAD
EAST STROUDSBURG PA 18302

FINDINGS OF FACT

1. The Claimant last worked on 2/27/2019.
2. The Claimant was discharged for aiding and abetting a fugitive from justice.
3. The Claimant denied being involved in the incident that caused the separation.
4. The Employer did not provide information to show that the Claimant was involved in the incident that caused the separation.

DISCUSSION

In situations where a Claimant is discharged, the burden of proof is on the Employer to show the Claimant's actions that caused the separation constitute willful misconduct. Willful misconduct is defined as a willful disregard of the Employer's interests, a deliberate violation of the Employer's rules, a disregard for the standards of behavior which the Employer has the right to expect, or negligence which demonstrates wrongful intent or intentional and substantial disregard of the Employer's interests or the employee's duties and obligations. In this case, the Claimant did not admit to the incident which caused the separation and the Employer did not provide information to show the Claimant was involved in the incident that caused the separation. As such, the Employer has not sustained its burden of proof and benefits must be allowed under Section 402(e).

DETERMINATION

The Claimant is eligible for benefits under Section 402(e) of the Pennsylvania Unemployment Compensation Law beginning with waiting week ending 3/16/2019.

UC Representative: MBU

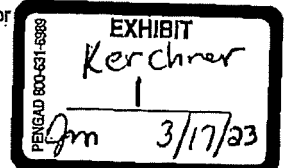
APPEAL INSTRUCTIONS

The last day to appeal this determination is April 17, 2019.

Under Section 501(e) of the Pennsylvania Unemployment Compensation Law, this determination becomes final unless an appeal is timely filed. If you disagree with this determination and wish to file an appeal, your appeal must be filed on or before the last day to appeal shown on this determination.

You may file your appeal online, or send a Petition for Appeal form or letter to the department by mail or fax. Regardless of the format you choose, your appeal must include the name and address of the claimant, the social security number of the claimant, if known, the date of the determination being appealed, the reason for the appeal and the name and address of the individual filing the appeal. If you use a Petition for Appeal form or a letter to appeal, you may file your appeal by mail, common carrier or fax, or by personal delivery to any CareerLink office. Please follow these appeal instructions carefully.

The last day to appeal this determination is April 17, 2019.
If you disagree with this determination, you may appeal. If you want to file an appeal, you must do so on or before the date shown above. Information for filing an appeal is included in this determination.



CLAIMANT: MICHAEL H. KREISCHER
 EMPLOYER: MONROE COUNTY COMMISSIONERS

SSN: 181-62-6814
 Page: 2 of 3

- If you file your appeal by mail, the appeal is filed on the date of the U.S. Postal Service postmark, certificate of mailing, or certified mail receipt. If there is no postmark, certificate of mailing or certified mail receipt, but the appeal contains a postage meter mark, the appeal is filed on the date of the postage meter mark. If there is no Postal Service information or postage meter mark, the appeal is filed on the date recorded by the Department when the appeal is received. If you file your appeal by common carrier, the appeal is filed on the date it is delivered to the common carrier as established by the records of the common carrier. If the date of the delivery to the common carrier cannot be determined by documents in the record, the appeal is filed on the date it is received by the Department. Please complete Section 1 of the enclosed Petition for Appeal form and return the form to the following address, or send a letter of appeal to:

Scranton UCSC
 30 Stauffer Industrial Park
 Taylor, PA 18517-9601

- If you file your appeal by fax, the appeal is filed on the date of receipt imprinted by the receiving fax machine. If the receiving fax machine does not imprint a legible date, the appeal is filed on the date of transmission imprinted by the sending fax machine. If the faxed appeal does not contain a legible date of transmission, it is filed on the date recorded by the Department when it receives the appeal. If you appeal by fax, you are responsible for any delay, disruption, or interruption of electronic signals and the readability of the appeal, and you accept the risk that the appeal may not be properly or timely filed. Please complete Section 1 of the enclosed Petition for Appeal or FAX a letter of appeal to: 570-562-4385.
- If you appeal online, the filing date is the date recorded by the department's electronic transmission system. You accept risk of delay, disruption, or interruption of electronic signals, which may affect the timeliness of the appeal. Complete your appeal online at www.uc.pa.gov/appeals.
- If you file your appeal by personal delivery to a CareerLink, your appeal is filed on the date it is delivered to the CareerLink, during normal business hours. If you wish to appeal by personal delivery, take the completed appeal form (UC-46B) or letter to the nearest Pennsylvania CareerLink. The CareerLink representative will forward your appeal or letter of appeal to the UC Service Center. NOTE: Appeals can not be filed in-person at UC Service Centers.

IMPORTANT: If you remain partially or fully unemployed while an appeal concerning your eligibility is pending, continue to file your bi-weekly claims for benefits. If the appeal is decided in your favor, only benefits for the weeks you claimed will be released for payment. Your employer has the same rights of appeal as you do.

PROVISIONS OF THE PENNSYLVANIA UNEMPLOYMENT COMPENSATION LAW

Section 402(e) of the Law provides, in part, that a Claimant shall be ineligible to receive benefits for any week in which his unemployment is due to suspension or discharge for willful misconduct connected with the work.

THE EXPLANATION OF THE PENNSYLVANIA UNEMPLOYMENT COMPENSATION LAW PROVISIONS IS PROVIDED FOR INFORMATION ONLY. FOR FURTHER EXPLANATION OF THIS DETERMINATION, CONTACT THE PENNSYLVANIA UC SERVICE CENTER INDICATED IN THE APPEAL INSTRUCTIONS.

The last day to appeal this determination is: April 17, 2019

If you disagree with this determination, you may appeal. If you want to file an appeal, you must do so on or before the date shown above. Information for filing an appeal is included in this determination.

CLAIMANT: MICHAEL H. KREISCHER
EMPLOYER: MONROE COUNTY COMMISSIONERS

SSN: 181-62-6814
Page: 3 of 3

CONTRIBUTING BASE YEAR EMPLOYER: This is not a determination on relief from charges. However, this determination may affect a request for relief from charges.

• An appeal to a Claimant's eligibility and a request for relief from charges MUST BE FILED SEPARATELY.

• For procedures and time limits for requesting relief from charges, see Form UC-44FR previously sent to you with the Claimant's Notice of Financial Determination, or contact the Employers' Charge Section, 7th Floor, Labor & Industry Building, 7th & Forster Streets, Harrisburg, PA 17121.

A REQUEST FOR RELIEF FROM CHARGES, WHETHER GRANTED OR NOT, WILL HAVE NO EFFECT ON THIS DETERMINATION.

The last day to appeal this determination is: April 17, 2019

If you disagree with this determination, you may appeal. If you want to file an appeal, you must do so on or before the date shown above. Information for filing an appeal is included in this determination.

EXHIBIT “I”

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

* * * * *

*

MICHAEL KREISCHER, *

Plaintiff * Civil Action No.

vs. * 21-cv-00221

E. DAVID CHRISTINE, JR.,

MICHAEL MANCUSO, *

WENDY B. SERFASS, *

MARIO ORLANDO and *

ERIC KERCHNER, , *

Defendant *

*

* * * * *

DEPOSITION OF
WENDY B. SERFASS
November 22, 2022

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by the certifying agency.

1 to be retained, I have to archive it. I don't
2 know specifically if there's a protocol within
3 the county for changing that retention with
4 specific parameters. I'm not aware of that, if
5 it's done. I know, in this case, when this first
6 came, I sent an email to everyone in the office
7 and asked them to send me any communications they
8 had, and then I retained those. And then,
9 anything I had would have been provided in
10 discovery.

11 Q. Okay, if you could turn to Orlando 3, it
12 should be in front of you. And it's the response
13 to interrogatories.

14 A. Okay.

15 Q. If you would look at the response to
16 interrogatory No. 5.

17 A. Mm-hmm.

18 Q. And I'll just read it in the record,
19 ?Defendant Wendy B. Serfass did obtain cell phone
20 records for Jessica Butts. Those records were
21 obtained in an effort to locate her and create a
22 timeline of her contact with Michael Kreischer,
23 during the timespan she was staying at the Best
24 Western, other communication with her parole
25 agent, and to verify that Michael Kreischer had

1 been truthful with Chief Kerchner and ADA Michael
2 Mancuso about his contacts with her, paren, 'for
3 purposes of his suspension from his employment.'
4 Closed paren. Discovery is ongoing, additional
5 information will be provided when it becomes
6 available.

7 So, what were you trying to find out, with
8 respect to whether Mr. Kreischer had been
9 truthful with Chief Kerchner, for purposes of the
10 suspension of his employment?

11 A. Prior to him being suspended, there was
12 information provided about him needing days off,
13 or being out of the office, or being unavailable,
14 for purposes of filing for custody, filing for
15 guardianship, things along that line. I don't
16 remember specifically, and I don't know because
17 it was told to me after the fact. That he had
18 said, 'I can't be in today,' or 'I can't do this
19 today because I have to take care of this for
20 Cameron.' So, we were following up on some of
21 the prior information that had been provided.

22 Q. And why would that be a proper basis for
23 obtaining cell phone records?

24 A. The cell phone records were being used to see
25 what communication there was between the two of

1 them, if he was telling her things, if he was
2 actually trying to get custody of Cameron. I was
3 trying to create a timeline and see where she
4 was, what was going on, and put everything
5 together. But working backwards.

6 Q. Why would it be relevant whether Mr.
7 Kreischer was being truthful with Chief Kerchner,
8 with respect to his employment situation?

9 A. At that point in time, when I first started
10 this investigation, he wasn't fired. It happened
11 in a 24-hour period. But I started working on
12 this case prior to him actually being terminated.

13 Q. Okay. Ma'am, my question has to do with your
14 application to cell phone use.

15 A. Okay. I don't understand your question then,
16 sorry.

17 Q. I don't understand your answer. The cell
18 phone records were sought after he had been
19 terminated.

20 A. Right.

21 Q. What is the relevance as to whether or not
22 Mr. Kreischer was truthful to Chief Kerchner
23 about his contacts for purposes of the suspension
24 of his employment? Are you trying to justify the
25 suspension and termination, and find stuff that

1 he did? Was that the reason ---

2 A. No, I wasn't trying to justify it, no. I was
3 simply doing an internal investigation. And
4 also, we had concerns about where the child was
5 at that point in time, early on. And concerns
6 about where Ms. Butts was. Once those things
7 were determined, this case was sent to the
8 Pennsylvania State Police.

9 Q. At some point, were your concerns about the
10 wellbeing of the child, did they go away?

11 A. Yes.

12 Q. When was that?

13 A. Yes, they did. Once I spoke to the
14 grandmother and was told by her that she knew
15 that Cameron was with the Kreischers, and that
16 she had seen Cameron, then I didn't have the same
17 concerns. I had already done a Childline
18 referral and had not gotten any information back
19 from Children & Youth, to tell me one way or
20 another --- that there was anything to be
21 concerned about. So, I wasn't as concerned at
22 that point. I still had some concerns about the
23 whole situation, just as a person, but ---

24 Q. Well, if you turn to page 83 to Pennsylvania
25 State Police report, the affidavit of probable

EXHIBIT “J”

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

* * * * *

*

MICHAEL KREISCHER, *

Plaintiff * Civil Action No.

vs. * 21-cv-00221

E. DAVID CHRISTINE, JR.,

MICHAEL MANCUSO, :

WENDY B. SERFASS, :

MARIO ORLANDO and :

ERIC KERCHNER, *

Defendant *

*

* * * * *

DEPOSITION OF
MARIO ORLANDO
November 22, 2022

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by the certifying agency.

1 Gieger, did you discuss discovery responses with
2 anyone?

3 A. No.

4 Q. Did anyone ask you to look for documents?

5 ATTORNEY GEIGER:

6 Apart from me.

7 THE WITNESS:

8 No.

9 BY ATTORNEY MCCOMB:

10 Q. Did anyone ask you for information to help
11 respond to these interrogatories?

12 A. No.

13 Q. Did anyone ask you to check your emails?

14 A. No.

15 Q. Are you familiar with the process in the
16 office for preservation of emails?

17 A. I believe they are erased after three months
18 unless you archive them.

19 Q. Is there a process to issue a litigation hold
20 in the office so that the emails aren't
21 automatically overwritten after ninety days?

22 A. I don't know that.

23 Q. Who would know that?

24 A. The people at IT, maybe Eric and maybe Wendy.

25 Q. Okay.